

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7264 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

SAIYED VIRASAT MOHMED YASINMIYA

Appearance:

MR B.A.BAMBHNIYA, ADDL.GOV'T.PLEADER for Petitioners
MR NITIN N PANDYA for Respondent No. 1
Respondent No. 2 SERVED.

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 12/12/96

ORAL JUDGEMENT

Rule. Service of Rule is waived by learned Advocate Mr. Sahani for Nitin N.Pandya, learned advocate for respondent-workman. The petitioner State has deleted respondent No.2.

It is an admitted fact that the disputed question before

the Labour court is required to be decided. It is really very surprising that the Labour court, Ahmedabad has not examined and adjudicated the disputed question which is clearly manifested from a plain perusal of the impugned award and there is no dispute about this aspect. It cannot be denied that the said disputed question ought to have been decided. In that view of the matter, it would be just and reasonable to remand the matter to the Labour court with a direction to dispose of the matter after hearing the parties and examining and determining all disputed questions as early as possible especially in connection with the provisions of Section 25-H of the Industrial Disputes Act, 1947 .

In the result, the petition is allowed to this extent and the matter is remanded to the Labour court, Ahmedabad for decision in accordance with law after hearing the parties, as expeditiously as possible. Rule is made absolute to this extent with no order as to costs.
